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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number 10/000,170

Filing Date November 30, 2001

First Named Inventor Peter Zatloukal

Art Unit 2135

Examiner Name Truong, Thanhnga B.

Attorney Docket Number 109909-129555

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SCHWABE, WILLIAMSON & WYATT, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	November 20, 2006	Reg. No.	56,826

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Typed or printed name	Yvette L. Chriscaden	Date	November 20, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Zatloukal, et al.

Application No.: 10/000,170

Filed: November 30, 2001

Confirmation No.: 9518

For: AVOIDING ATTACHMENT OF
INELIGIBLE SMART
INTERCHANGEABLE COVER
TO AN ELECTRONIC DEVICE

Examiner: Truong, Thanhnga B.

Group Art Unit: 2135

Customer No.: 25,943

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Typed or Printed: Yvette L. Chruscaden

Signature: 

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Dear Sir:

This paper is in response to the Notice of Non-Compliant Appeal Brief dated November 7, 2006. The shortened period for response extends to December 7, 2006. Please note the enclosed Remarks.

Remarks begin on page 2 of this paper.

REMARKS

Applicants respectfully request withdrawal of the Patent Appeal Center Specialist's finding that Applicants' appeal brief is non-compliant.

In the Specialist's November 7, 2006 communication, the Specialist stated that Applicants' brief does not comply with 37 CFR 41.37(c)(1)(iv). More specifically, the Specialist asserts that the "Status of Amendments" section of Applicants' brief is incorrect. According to the Examiner, Applicants filed an amendment after final, but failed to note the amendment in the appeal brief.

Applicants agree that Applicants filed a response to the Examiner's final rejection. That response, however, did not amend the claims in any way, but simply provided additional arguments. As such, Applicants made no "amendment filed subsequent to final rejection" (*see* 37 CFR 41.37(c)(1)(iv)). Thus, Applicants correctly noted in "Status of Amendments" that Applicants made no amendments after the Examiner's final rejection.

Accordingly, Applicants respectfully request the withdrawal of the finding of non-compliance.

If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: November 20, 2006

by:


Robert C. Peck Reg. No. 56,826

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